ATENT COOPERATION TRE, . TY

	From the INTERNATIONAL BUREAU
PCT	То:
NOTIFICATION OF ELECTION (PCT Rule 61.2)	Assistant Commissioner for Patents United States Patent and Trademark Office Box PCT Washington, D.C.20231 ÉTATS-UNIS D'AMÉRIQUE
Date of mailing (day/month/year)	
07 December 1999 (07.12.99)	in its capacity as elected Office
International application No.	Applicant's or agent's file reference
PCT/US99/07389	GREEn-1 PCT
International filing date (day/month/year)	Priority date (day/month/year)
23 April 1999 (23.04.99)	23 April 1998 (23.04.98)
Applicant	
GREEN, Paul, Eliot, Jr.	
in a notice effecting later election filed with the International Preliminary in a notice effecting later election filed with the International Preliminary The election X was was not was not was not was not Rule 32.2(b).	1999 (15.11.99) ational Bureau on:
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The International Purcous of WIDO	Authorized officer
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Kiwa Mpay

Telephone No.: (41-22) 338.83.38

Facsimile No.: (41-22) 740.14.35

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

A		,	
GREEN-1	agent's file reference	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International a	pplication No.	International filing date (day/month)	/year) Priority date (day/month/year)
PCT/US99/	07389	23/04/1999	23/04/1998
International P H04B10/00 Applicant	Patent Classification (IPC) or na	I ational classification and IPC	
TELLABS (OPERATIONS, INC. et a	l.	
	ernational preliminary exam ansmitted to the applicant		by this International Preliminary Examining Authority
2. This RE	PORT consists of a total of	7 sheets, including this cover sh	eet.
bee (see	n amended and are the ba	sis for this report and/or sheets o 07 of the Administrative Instruction	e description, claims and/or drawings which have ontaining rectifications made before this Authority ons under the PCT).
3. This rep	ort contains indications rela	ating to the following items:	
1	Basis of the report		
11	□ Priority		
111	Non-establishment of c	opinion with regard to novelty, inv	entive step and industrial applicability
١٧	Lack of unity of invention	on	
V		nder Article 35(2) with regard to rons suporting such statement	novelty, inventive step or industrial applicability;
VI	 Certain documents cit 	ed	
VII	oxtimes Certain defects in the i	nternational application	
VIII	Certain observations o	n the international application	
Date of submi	ssion of the demand	Date of c	completion of this report
15/11/1999		28.06.20	00
	iling address of the internation	al Authoriz	ed officer
)	amining authority: European Patent Office)-80293 Munich 'el. +49 89 2399 - 0 1'x: 52305 'ax: +49 89 2399 - 4465	·	Is, G ne No. +49 89 2399 8170

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/07389

l. Bas	is of	th	re	port
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1. This report has been drawn on the basis of (substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.): Description, pages: 1-11 as originally filed Claims, No.: 1-38 as originally filed Drawings, sheets: 1/3-3/3 as originally filed 2. The amendments have resulted in the cancellation of: ☐ the description, pages: the claims, Nos.: ☐ the drawings, sheets: 3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/07389

V. Reasoned stat ment und r Articl 35(2) with r gard to nov lty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes:

Claims 2, 3, 5-37

No:

Claims 1, 4, 38

Inventive step (IS)

Yes: Claims

No:

Claims 2, 3, 5-37

Industrial applicability (IA)

Yes:

Claims 1-38

No: Claims

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Reference is made to the following documents:

D1: US-A-4 938 571

D2: EP-A-0 766 358

D3: US-A-5 657 151

D4: WO 95 20847 A

D5: FR-A-2 523 734

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1. In view of sect. VII.1. below claims 1, 9 and 19 are treated as claims dependent on claim 38.
- 2. Novelty:
 - a. Document D1 (cf. especially column 4, line 22 column 6, line 22; column 6, lines 57-66; column 7, lines 8-14 and figs. 1 and 3) is regarded as being the closest prior art to the subject-matter of claim 38, and shows (the reference in parentheses applying to fig. 1 of this document):

a method for processing an optical signal in a communication link, comprising the steps of

establishing a propagation path along which the optical signal travels; providing an electrochromic region (18) to intersect the propagation path; and

attenuating the optical signal by passing the signal through the electrochromic region.

The subject-matter of **claim 38** is therefore not novel (Article 33(2) PCT).

b. Dependent claims 1 and 4 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, the reasons being as follows:

claim 1: cf. sect. a. above;

claim 4: cf. the electrodes 12 and 12' in fig. 1 of D1.

3. Inventive step:

- a. Document D1 is also regarded as being the closest prior art to the subjectmatter of claims 28 and 37.
- b. D1 discloses an attenuating device (suitable) for use in processing an optical signal in a communication link from which the subject-matter of claim 28 only differs in that it comprises:
- first and second graded index lenses disposed to establish a propagation path for an optical communication signal intermediate which the body of electrochromic material is disposed.
- c. D1 discloses a device (suitable) for attenuating an optical telecommunications signal from which the subject-matter of claim 37 seems to differ in that:
- it comprises a first waveguide to receive an optical signal that represents a digital telecommunications signal and a second waveguide disposed to cooperate with the first waveguide to establish a propagation path for the received optical signal through the first and second waveguide intermediate which the body of electrochromic material is disposed, and
- (iii) an incident planar surface of the electrochromic device is substantially perpendicular to the propagation path of the optical signal.
- d. Document D1 relates to the technical features an electrochromic light modulator as such and mentions the modulation of optical frequency carriers as one possible application. D1 not give details about how the modulator is linked to the optical signal. When incorporating the modulator in a communications link, the skilled person would as matter of course refer to commonly employed techniques. He would thus be guided by D3 (cf. especially column 5, line 32 - column 6, line 8 and fig. 3) to include the above features (i) and/or (ii) in the device of D1.
- e. The feature (iii) is, if not already implicitly disclosed by column 4, lines 21-25 and fig. 1 of D1, at most a matter of common practice, see for example fig. 1 of document D5. Its application to the device described in document D1 is therefore

EXAMINATION REPORT - SEPARATE SHEET

an obvious design possibility for the skilled person.

- f. Therefore the solution proposed in independent claims 28 and 37 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT).
- g. Dependent claims 2, 3, 5-27 and 29-36 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step. These claims essentially relate to different combinations of the following three features: the electrochromic body, the WDM (de)multiplexers and the graded index lenses. Since these well known features are advantageous independently of each other, their combination is a mere juxtaposition:

claims 2, 3, 10, 11, 19, 32-34: cf. fig. 3 of D2;

claim 5, 14, 15, 22-24: cf. the lenses 304 and 305 in fig. 3 of D3:

claims 6, 8, 17, 18, 26, 27, 35, 36: page 12, lines 22-29 and fig. 1 of D4;

claim 7: cf. fig. 3 of D1;

claim 9: cf. sect. e. above and column 6, lines 14-22 and fig. 3 of D1;

claim 12, 13, 21, 29: cf. the electrodes 12 and 12' in fig. 1 of D1;

claims 16, 25: cf. the electrodes 12 and 12' in fig. 1 of D1 and the lenses 304 and 305 in fig. 3 of D3;

claims 20, 31: cf. sect. e. above;

claim 30: cf. the fiber optic cables 310, 312 and the lenses 304, 305 in fig. 3 of D3.

Re Item VII

Certain defects in the international application

- 1. Claims 1, 9, and 19 comprise all the features of claim 38 and are therefore not appropriately formulated as claims dependent on the latter (Rule 6.4 PCT).
- 2. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in a preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in a

characterising part (Rule 6.3(b)(ii) PCT).

In the present case, the features indicated in sects. V.2.a., V.3.b. and V.3.c. above are known in combination from the document D1 and belong in the preamble of such claims.

The applicant has not provided reasons why the independent claims should not be in the two-part form. Neither did he clearly indicate in the description which features of the subject-matter of the independent claims are already known from document D1; see the PCT Guidelines, III-2.3a.

- 3. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 4. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 - D3 is not mentioned in the description, nor are these documents identified therein.

Re Item VIII

Certain observations on the international application

- The following passages and features are not clear: claims 35 and 35: these claims do not seem to relate to the claimed device but to its use:
 - it seems that claim 37 (page 21, lines 8 and 9) should read "... variable voltage source", cf. page 6, line 13 of the description.
- 2. The vague and imprecise statement "true spirit ... of the invention" in the description on page 11 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, III-4.3a).



(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference		of Transmittal of International Search Report
GREEN-1 PCT	ACTION (FOILI PC 1715A)2	220) as well as, where applicable, item 5 below.
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)
PCT/US 99/07389	23/04/1999	23/04/1998
Applicant		
TELLABS OPERATIONS, INC.	et al.	
This International Search Report has bee according to Article 18. A copy is being tr	n prepared by this International Searching Aut ansmitted to the International Bureau.	hority and is transmitted to the applicant
This International Search Report consists [X] It is also accompanied by	of a total of sheets. a copy of each prior art document cited in this	s report.
Basis of the report		
	international search was carried out on the ba less otherwise indicated under this item.	sis of the international application in the
the international search w Authority (Rule 23.1(b)).	as carried out on the basis of a translation of t	the international application furnished to this
b. With regard to any nucleotide ar was carried out on the basis of th	nd/or amino acid sequence disclosed in the ingle sequence listing: onal application in written form.	nternational application, the international search
	ernational application in computer readable for	m.
	this Authority in written form.	
	this Authority in computer readble form.	
the statement that the su	psequently furnished written sequence listing of the s	does not go beyond the disclosure in the
		is identical to the written sequence listing has been
2. Certain claims were fou	nd unsearchable (See Box I).	
3. Unity of invention is lac	king (see Box II).	
4. With regard to the title,		
the text is approved as su	ubmitted by the applicant.	
the text has been establis	shed by this Authority to read as follows:	
METHODS AND APPARATUS USING ELECTROCHROMIC		IN AN OPTICAL COMMUNICATION
5. With regard to the abstract,		
X the text is approved as su	ubmitted by the applicant.	
	shed, according to Rule 38.2(b), by this Author e date of mailing of this international search re	ity as it appears in Box III. The applicant may, port, submit comments to this Authority.
6. The figure of the drawings to be pub	lished with the abstract is Figure No.	6
as suggested by the appl	icant.	None of the figures.
because the applicant fai	led to suggest a figure.	
because this figure better	characterizes the invention.	

A. CLASSIFICATION OF SUBJECT MATTER IPC 6 H04B10/00 G02F1/15

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

H04B G02F H04J IPC 6

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

	ENTS CONSIDERED TO BE RELEVANT	
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X Y	US 4 938 571 A (COGAN STUART F ET AL) 3 July 1990 (1990-07-03)	1,4,9, 12,13,38 2,3,5-8, 10,11, 14-21, 26-31,37
	column 2, line 19 - line 61 column 4, line 22 - line 51 column 7, line 1 - line 14 figure 1	20 31,37
Y A	EP 0 766 358 A (SIEMENS AG) 2 April 1997 (1997-04-02) column 4, line 56 - column 5, line 9; figure 3	2,3,10, 11,19-21 32-35
	 -/	

X Further documents are listed in the continuation of box C.	Patent family members are listed in annex.
 Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date 	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention
"O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed	cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "8" document member of the same patent family
Date of the actual completion of the international search	Date of mailing of the international search report
19 July 1999	26/07/1999
Name and mailing address of the ISA	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Cochet, B

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PCT/US 99/07389

C.(Continuation) DOCUMENTS CONSI	DEDED TO BE DELEVANT	PC1/US 99/U/	
	ndication,where appropriate, of the relevant passages	Relev	ant to claim No.
;MCGUIRE ALA	A (BARNSLEY PETER EDWARD N (GB); BRITISH TELECOMM (GB); 1995 (1995-08-03)		6-8,17, 18,26,27 2,3,10, 11, 19-21, 26,32-36
page 14, li figures 1,2	ne 22 - line 29 ne 1 - line 13 B A (SWAN CLARENCE B ET AL)		
12 August 19	97 (1997-08-12) ine 30 - line 64; figure 3		5,14-16, 28-31,37 22-25
FR 2 523 734 ATOMIQUE) 23 page 1, lin	A (COMMISSARIAT ENERGIE September 1983 (1983-09-23) e 18 - line 34 e 35 - page 6, line 6		1,20,31, 37
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nternational Application No PCT/US 99/07389

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			EP	0379562 A	01-08-1990
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FR 2523734	 А	23-09-1983	NONE		

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INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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(11) International Publication Number:

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H04B 10/00, G02F 1/15

A1

(43) International Publication Date:

28 October 1999 (28.10.99)

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23 April 1999 (23.04.99)

(30) Priority Data:

09/065,250

23 April 1998 (23.04.98)

US

(71) Applicant (for all designated States except US): TELLABS OPERATIONS, INC. [US/US]; 4951 Indiana Avenue, MS 16, Lisle, IL 60532 (US).

(72) Inventor; and

(75) Inventor/Applicant (for US only): GREEN, Paul, Eliot, Jr. [US/US]; 35 Roseholm Place, Mount Kisco, NY 10549 (US).

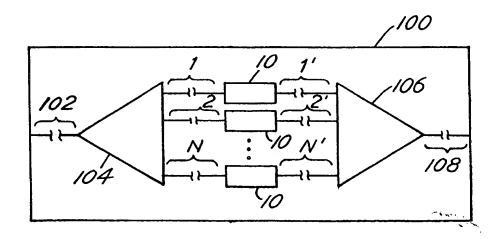
(74) Agent: RUDOFSKI, Kenneth, J.; Tellabs Operations, Inc., 4951 Indiana Avenue, MS 16, Lisle, IL 60532 (US).

(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

Published

With international search report.

(54) Title: METHODS AND APPARATUS FOR SELECTIVE ATTENUATION IN AN OPTICAL COMMUNICATION USING ELECTROCHROMIC MATERIAL



(57) Abstract

Disclosed methods and apparatus for processing optical signals in a communications network to adjust or reset the power level of a signal employ a body of electrochromic material disposed along an optical communication signal propagation path. An optical communication signal travelling along the propagation path is attenuated using the body of electrochromic material. The body preferably is switchable between at least two color states through selective application of a voltage potential in such a way as to affect the body, producing each of the at least two color states permitting at least attenuated passage through the body of the optical communication signal. Applications for the present invention include, for example, the selective attenuation of constituent WDM optical communication signals through the use of multiplexers and/or demultiplexers.

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
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DE	Germany	LI	Liechtenstein	SD	Sudan		
DK	Denmark	LK	Sri Lanka	SE	Sweden		
EE	Estonia	LR	Liberia	SG	Singapore		

Interr. nal Application No PCT/US 99/07389

		PC1/	05 99/0/389
A. CLASSI IPC 6	FICATION OF SUBJECT MATTER H04B10/00 G02F1/15		
According to	o International Patent Classification (IPC) or to both national classifica	ation and IPC	
B. FIELDS	SEARCHED		
Minimum do IPC 6	ocumentation searched (classification system followed by classification H04B G02F H04J	on symbols)	
	tion searched other than minimum documentation to the extent that s		
Electronic d	ata base consulted during the international search (name of data ba	se and, where practical, search t	erms used)
C. DOCUM	ENTS CONSIDERED TO BE RELEVANT		
Category '	Citation of document, with indication, where appropriate, of the rele	evant passages	Relevant to claim No.
X Y	US 4 938 571 A (COGAN STUART F E 3 July 1990 (1990-07-03)	T AL)	1,4,9, 12,13,38 2,3,5-8, 10,11,
	column 2, line 19 - line 61 column 4, line 22 - line 51 column 7, line 1 - line 14 figure 1		14-21, 26-31,37
Y A	EP 0 766 358 A (SIEMENS AG) 2 April 1997 (1997-04-02) column 4, line 56 - column 5, li figure 3	ne 9;	2,3,10, 11,19-21 32-35
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X Furti	ner documents are listed in the continuation of box C.	X Patent family members	are listed in annex.
	tegories of cited documents :	"T" later document published aft	
consid "E" earlier of filing d "L" docume which citation	int which may throw doubts on priority claim(s) or	cited to understand the prin invention "X" document of particular releve cannot be considered nove involve an inventive step will "Y" document of particular releve cannot be considered to inv	for cannot be considered to hen the document is taken alone
other r "P" docume later th	ent published prior to the international filling date but		eing obvious to a person skilled
Date of the	actual completion of the international search	Date of mailing of the intern	- · · · · · · · · · · · · · · · · · · ·
1	9 July 1999	26/07/1999	
Name and n	nailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk	Authorized officer	
	Tel. (+31-70) 340-2040, Tx. 31 651 epo ni, Fax: (+31-70) 340-3016	Cochet, B	

Interr. nal Application No PCT/US 99/07389

.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT	
ategory ' Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
WO 95 20847 A (BARNSLEY PETER EDWARD; MCGUIRE ALAN (GB); BRITISH TELECOMM (GB); H) 3 August 1995 (1995-08-03) page 10, line 22 - line 29 page 14, line 1 - line 13	6-8,17, 18,26,27 2,3,10, 11, 19-21, 26,32-36
figures 1,2B US 5 657 151 A (SWAN CLARENCE B ET AL) 12 August 1997 (1997-08-12) column 5, line 30 - line 64; figure 3	5,14-16, 28-31,37 22-25
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Information on patent family members

Interi Inal Application No PCT/US 99/07389

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FR 2523734	Α	23-09-1983	NONE		